

Ordinance for the Recall of Elected Officials
of the Town of Harpswell
Enacted March 13, 2005

SECTION 1. Authority

This Ordinance is adopted pursuant to Title 30-A MRSA § 2602 (6).

SECTION 2. Applicability

Any elected official of the Town of Harpswell, Maine, may be recalled and removed from office as herein provided for. The elected officials are Selectmen-Assessors-Overseers of the Poor, Road Commissioner, Tax Collector, Town Clerk and Treasurer. This Ordinance does not apply to Directors of S.A.D. 75.

SECTION 3. Grounds for Recall

An elected official may be recalled only on one or more of the following grounds and for no other reason, including, but not limited to, the manner and substance of his or her performance in office:

- a. Conviction for the commission of a Class A, B, C or D crime under the laws of the State of Maine or a felony under the laws of the United States or entry of a plea of guilty to such an offense; or
- b. In the case of Selectmen, absence from at least half of the regularly scheduled meetings of the Board of Selectmen during any six month period for any reason whatever, except as otherwise provided in the Ordinance; provided that this ordinance does not require the Selectmen to schedule meetings at any specified interval; or
- c. In the case of Tax Collector and Town Clerk, absence from his or her office for a period of 45 consecutive days for any reason whatever, except as otherwise provided in this Ordinance; or
- d. In the case of the Road Commissioner and Treasurer, failure to perform the duties, as described in law or ordinance, of the position for a period of 30 days after a written request of the Selectmen; or
- e. Two or more violations of the laws of the State of Maine with respect to the Maine Freedom of Access law or conflict of interest laws when determined by a court or other body of competent jurisdiction of such violations has made a final determination.
- f. Failure or refusal of a Selectman to order an election as provided in this Ordinance.

In the determination of absence, use of reasonable vacation time and sick leave in accordance with Town policy shall not be considered absence within the meaning of this Section.

SECTION 4. Petitions for Recall

- a. Only registered voters of the Town of Harpswell may sign petitions for recall. To be valid, a petition must contain a number of valid signatures equal to thirty-three percent (33%) of the number of votes cast for Governor in the last gubernatorial election in Harpswell.
- b. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition; if petitions for the recall of all Selectmen are submitted, then the petitions will be addressed to the Town Clerk.
- c. The petition shall state the name and office of the person whose removal is being sought and a statement of the reasons such removal is desired.
- d. If recall of more than one person is being sought, there shall be a separate petition for each person whose removal is being sought.
- e. Each page of the petition shall provide a space for the voter's signature, address and printed name.
- f. All petition pages shall be filed as a single document.

SECTION 5. Clerk's Certification

Within (10) days of the receipt of the petition, the Town Clerk, or Deputy Town Clerk in cases where the removal of the Town Clerk is sought, shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in Section 3 and 4 of this Ordinance. Should the petition be found insufficient, the petition will be filed in the Clerk's office and the voter who filed the petition will be notified.

SECTION 6. Calling the Recall Election

- a. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the person or persons whose removal is being sought of such action.
- b. The Selectmen, upon receipt of the certified petition, shall within ten (10) days time of receipt order an election by secret ballot, pursuant to 30-A MRSA § 2528 to be held not less than 45 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition and, in this case the Selectmen may at their discretion provide for the holding of the recall election on the date of the regular municipal election.
- c. In the event that the Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 45 days nor more than 60 days following the selectmen's failure or refusal to order the required election.
- d. If at any time between the time of ordering the election and the date of the election the person whose recall is sought requests a public hearing, the Selectmen will promptly schedule such a public hearing on the recall election.

SECTION 7. Ballots for the Recall Election

Unless the persons whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read: "SHALL _____ BE RECALLED?" with the name of the person whose recall is being sought inserted in the blank space.

SECTION 8. Result of Election

In the event of an affirmative vote by a two-thirds majority for removal, such vote shall take effect as of the recording of the tabulation into the records.

SECTION 9. Vacancies to be Filled

Any vacancy resulting from removal from office under this Ordinance shall be filled in accordance with the provisions of Maine law.